



**United States  
Department of  
Agriculture**

Food and  
Nutrition  
Service

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SUBJECT: Exclusion of Military Combat Pay

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Agencies  
Child Nutrition Programs  
All States

This supersedes the November 6, 2009, version of the policy memo, Exclusion of Military Combat Pay. In addition to combat pay, this revised memorandum addresses other income for a deployed service member. This memorandum is applicable to the following eligibility determinations:

- free and reduced price meals in the National School Lunch and School Breakfast Programs;
- free and reduced price meals for centers in the Child and Adult Care Food Program (CACFP);
- tier status determinations for family day care homes in the CACFP;
- meals in the Summer Food Service Program; and
- free milk in the Special Milk Program.

## **COMBAT PAY**

The exclusion of combat pay is authorized by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (P.L. 111-80; October 21, 2009). This memorandum provides guidance to State and local agencies regarding military combat pay received by service members during a deployment.

As set forth in the statute, combat pay is defined as an additional payment made under Chapter 5 of Title 37 of the United States Code, or as otherwise designated by the Secretary to be excluded, that is received by the household member who is deployed to a designated combat zone. Combat pay is excluded if it is:

- Received in addition to the service member's basic pay;
- Received as a result of the service member's deployment to or service in an area that has been designated as a combat zone; **and**
- Not received by the service member prior to his/her deployment to or service in the designated combat zone.

A combat zone is any area that the President of the United States designates by Executive Order as an area in which the U.S. Armed Forces are engaging or have engaged in combat. As with other types of income commonly received by military personnel (such as the Basic Allowance for Housing or Basic Allowance for Subsistence payments), combat pay received by service members is normally reflected in the entitlements column of the military Leave and Earning Statement (LES). Information regarding deployment to or service in a combat zone may also be available through military orders or public records on deployment of military units.

#### **OTHER INCOME AND HOUSEHOLD SIZE**

We will continue to count only that portion of the deployed service member's income made available by them or on their behalf to the household as income. This is a continuation of the policy established through our March 12, 2003 memorandum, Policy Exception – Family Size and Income Determinations in the Child Nutrition Programs for Certain Military Families. Further, deployed service members continue to be considered members of the household for purposes of determining income eligibility for the Child Nutrition Programs.

State agencies need to inform local educational agencies of this change immediately. The exclusion of combat pay will be added in the next update to the Eligibility Manual for School Meals. For questions or assistance in implementing this income exclusion, State agencies should contact their respective FNS Regional Offices.

**Original Signed**

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Director  
Child Nutrition Division